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STATE FOR EAP/BCLTV and DRL

E.O. 12958: N/A

TAGS: PHUM PREL VM HUMANR

SUBJECT: DPM DUNG DISCUSSES HUMAN RIGHTS WITH AMBASSADOR

Reftels: A) Hanoi 1727; B) HCMC 917; C) Hanoi 1964

1. (SBU) SUMMARY. On July 15, Ambassador Burghardt and Deputy Prime Minister (DPM) Nguyen Tan Dung discussed human rights issues including several specific cases of Vietnamese human rights activists as well as the Vietnam Human Rights Act of 2004. DPM Dung offered to allow Dr. Nguyen Dan Que, an elderly dissident most recently arrested in March 2003, to leave Vietnam if the U.S. is willing to accept him. Dung also said that the GVN would consider new penalties for Tran Khue and Pham Que Duong should they continue their "illegal acts." END SUMMARY.

2. (SBU) On July 15, Ambassador Burghardt met with DPM Dung at the Prime Minister's office to discuss human rights and commercial issues. The Ambassador also followed up on issues raised during the U.S.-ASEAN Ambassadors Tour of the U.S. and the recently concluded visit to Hanoi of the U.S.-ASEAN Business Council. Discussions of these two visits and the commercial issues will be covered SEPTEL. The Ambassador wove human rights and commercial issues into a unified theme of "widening the circle of friends" of Vietnam. He urged Dung to take a long-term view towards building more effective constituencies in advance of critical junctures in the relationship such as the possible visit by the Prime Minister in 2005 and the vote to grant Vietnam permanent normal trade relations (PNTR) once we have reached a bilateral agreement on Vietnam's WTO accession. Ambassador Burghardt noted that several opportunities currently exist to build the right type of constituency that would allow Vietnam and the U.S. to deepen their ties.

3. (SBU) The Ambassador asked that the GVN consider the release of Vietnamese dissidents who are imprisoned for the peaceful expression of their personal views, including Nguyen Dan Que, Nguyen Khac Toan, Pham Hong Son, and Nguyen Vu Binh. Dung responded by asking if the U.S. would be prepared to accept Nguyen Dan Que, if the GVN released him. The Ambassador countered that the real issue would be, "Does he want to go? That's a question that only he can answer." He reminded Dung that this issue was not a new one, and that prior to the Ambassador's arrival in 2001, Nguyen Dan Que had refused a similar offer. The Ambassador added that visa procedures aside, "I am confident we would be willing to take him." Again, the Ambassador noted that the best response would be to allow dissidents to stay without further harassment for the peaceful expression of their views. As the meeting drew to a close, Dung brought up his previous offer saying that, "If Mr. Que wants to go the U.S., Vietnam will let him." The Ambassador said that someone from our Embassy or the HCMC Consulate would need to discuss this with Nguyen Dan Que. [NOTE: Dr. Que is scheduled to be tried July 29 in Ho Chi Minh City on charges of "abusing democratic rights to jeopardize the interests of the State. END NOTE] Dung's final comment on Que was that if he stayed in Vietnam but continued to violate the law, he would be rearrested. [COMMENT: The context of this remark implied that an early release was possible. END COMMENT]

4. (SBU) Regarding the request to release dissidents, DPM Dung also replied that the GVN does not have any law that would penalize anyone with different political views, and all of those arrested and detained had violated the laws of Vietnam. DPM Dung raised the possibility that Father Nguyen Van Ly may be released in September stating that, "He has recognized his guilt." (Ref A) He further added that, "Tran Khue and Le Chi Quang were indicted for illegal acts, and if they continue, we will consider more penalties." (Refs. B and C)

5. (SBU) The Ambassador explained the dynamics surrounding H.R. 1587, the Vietnam Human Rights Act of 2004, and how they differed from those that existed during previous years. While the new caucus formed by Congressmen Rob Simmons and Lane Evans was a new force to consider, he explained that some of Vietnam's longtime friends in Congress might be reluctant during this election year to take action to derail or defeat the Human Rights Act. The Ambassador acknowledged some recent gestures that would be seen in a positive light, most notably the prison sentences roughly equal to time served for Tran Khue and Pham Que Duong. However, he reiterated the USG position that their actions did not

warrant arrest and detention in the first place. The Ambassador further added that most foreign governments and outside observers would not grant Vietnam much credit for the reduced sentences, but they would express great praise if Vietnam would allow them to express themselves unmolested.

16. (U) DPM Dung stated that he did not wish to further debate the human rights issues raised by the Ambassador, and the GVN only wished that the U.S. would not interfere with a domestic issue. At several points during the meeting he mentioned recent positive developments such as the designation of Vietnam as the 15th HIV/AIDS focus country and the Jackson-Vanik waiver. He also acknowledged the efforts of many members of the U.S. Congress and other interest groups speaking up on behalf of Vietnam this year in advance of the vote on H.R. 1587.
BURGHARDT